

## **REMARKS/ARGUMENTS**

Claims 1-33 are pending in the application. Claims 1-3, 10-11, 19, 21, 24-26, and 29-31 were amended. Claims 7, 28, and 33 were cancelled. No new matter was added.

Claims 1-5, 8, 21-27 and 29-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Kejser et al., U.S. Patent No. 6,381,666 (hereinafter “Kejser”). Claims 6-7, 10, 19-20, 28, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Universal Serial Bus Specification, Revision 2.0, April 27, 2000 (hereinafter “USB 2.0”). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Mizutani et al., U.S. Patent No. 6,603,744 (hereinafter “Mizutani”). Claims 11-18 were allowed.

### **Claim Rejections Under 35 U.S.C. §102(e)**

Claims 1-5, 8, 21-27 and 29-32 were rejected under 35 U.S.C. §102(e) as being anticipated by Kejser. Kejser generally discloses an extended range hub with a local expander and a remote expander (*See* Abstract).

Kejser does not disclose sending a reply, in response to the start split message, for storage in the storage element; wherein after a complete split message is sent from the host to the storage element, the reply is to be sent from the storage element to the host, as recited by claims 1, 21, 24, and 29. Examiner admits this on page 5 of the office action.

Applicants respectfully submit, therefore, that elements of claim 1, 21, 24, and 29 are neither shown nor suggested by the cited reference. Claims 2-5, 8, 22-23, 25-27, and 30-32 depend from and further define claims 1, 21, 24, and claim 29, respectively. Accordingly

reconsideration and withdrawal of the rejection of claims 1-5, 8, 21-27, and 29-32 under 35 U.S.C. §102(e) is respectfully requested.

**Claim Rejections Under 35 U.S.C. §103(a)**

Claims 6-7, 10, 19-20, 28, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of USB 2.0.

Applicants would submit that USB 2.0 is not a proper reference under 35 U.S.C. §103(a). USB 2.0 was published on April 27, 2000, less than one year prior to the application's filing date of March 30, 2001, making USB 2.0 an improper reference under 35 U.S.C. §102(b). All previous drafts of USB 2.0 that contained the relevant subject matter were not available to the public. Further, the writer of the cited portion of USB 2.0 is Intel, specifically applicant John Garney. An affidavit from Mr. Garney affirming this is enclosed. Therefore, USB 2.0 is an improper reference under 35 U.S.C. §102(a), as well.

Applicants respectfully submit, therefore, that elements of claims 1, 10, 19, 24, and 29 are neither shown nor suggested by the cited references. Claims 6-7, 20, 28, and 33 depend from claims 1, 19, 24, and 29, respectively. Accordingly reconsideration and withdrawal of the rejection of claims 6-7, 10, 19-20, 28, and 33 under 35 U.S.C. §103(a) is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kejser in view of Mizutani. Mizutani discloses wireless communication between a wireless hub connected to the USB bus of a computer and a wireless port connected to the USB interface of a peripheral device.

Neither Kejser, Mizutani, nor any combination thereof discloses sending a reply, in response to the start split message, for storage in the storage element; wherein after a complete

split is sent from the host to the storage element, the reply is to be sent from the storage element to the host, as recited by claim 1.

Applicants respectfully submit, therefore, that elements of claim 1 are neither shown nor suggested by the cited references. Claim 9 depends from and further defines claim 1.

Accordingly reconsideration and withdrawal of the rejection of claims 9 under 35 U.S.C. §103(a) is respectfully requested.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

Respectfully submitted,

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